

# HOUSE BILL REPORT

## HB 2762

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**As Reported by House Committee On:**  
Criminal Justice & Corrections

**Title:** An act relating to the joint task force on criminal background check processes.

**Brief Description:** Extending the joint task force on criminal background check processes.

**Sponsors:** Representatives Dickerson and Ahern.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 1/24/06, 1/27/06 [DP].

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Extends the Joint Task Force on Criminal Background Check Processes one additional year.</li></ul>
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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

**Staff:** Yvonne Walker (786-7841).

**Background:**

The Joint Task Force on Criminal Background Check Processes (Task Force) was originally created by the passage of Engrossed Substitute House Bill 2556 during the 2004 (and extended during the 2005) legislative session. The legislation required the Task Force to review and make recommendations regarding how to improve the state's criminal background check processes and to report its findings and recommendations to the Legislature.

Membership. The membership of the Task Force consists of one member from each of the two largest caucuses of the Senate and the House of Representatives; one representative from the Washington State Patrol (WSP), the Department of Social and Health Services, and the Office of the Superintendent of Public Instruction; one elected sheriff or police chief, selected by the Washington Association of Sheriffs and Police Chiefs; and jointly appointed by the Speaker of the House of Representatives and the President of the Senate, representatives from the following entities:

- a nonprofit service organization that serves primarily children under 16 years of age;

- a health care provider;
- an organization that serves primarily developmentally disabled persons or vulnerable adults;
- a local youth athletic association;
- the insurance industry;
- a local parks and recreation program, selected by the Association of Washington Cities;
- a local parks and recreation program, selected by the Washington Association of Counties;
- a representative from a for-profit entity that primarily serves children;
- a representative from a business or organization that primarily serves vulnerable adults;
- a representative selected by the state's long-term care ombudsman; and
- as a nonvoting ex officio member, a representative of an organization that serves as a clearinghouse for other nonprofit organizations in the state and that recruits volunteers and trains nonprofit boards of directors.

Issues to be Considered. The Task Force was required, at a minimum, to review the following issues:

- What state and federal statutes require regarding criminal background checks?
- What criminal offenses are currently reportable through the criminal background check program?
- What information is available through the WSP and the Federal Bureau of Investigation criminal background check systems?
- What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers?
- What is the feasibility and costs for businesses and organizations to do periodic background checks?
- What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, developmentally disabled persons, or vulnerable adults?
- What are the benefits and obstacles of implementing a criminal history record information background check program created by the National Child Protection Act of 1993?
- What is the feasibility of establishing a state registration program for private youth sports coaches under which some or all of such persons are required to obtain and disclose to prospective clients and employers a copy of the results of their fingerprint-based criminal background checks?
- A review of the practices of the Department of Social and Health Services with respect to checking the backgrounds of its employees, applicants for employment, and candidates for promotion.

The Task Force, where feasible, may consult with individuals from the public and private sector and may use legislative facilities and staff from Senate Committee Services and the House of Representatives Office of Program Research.

The Task Force held six public meetings in 2005, and made five recommendations. One of the Task Force's recommendations was to extend the life of the Task Force in order to consider matters that were raised at the 2005 meetings of the Task Force but that required further analysis and discussion.

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**Summary of Bill:**

The Task Force is extended for one additional year. The Task Force is authorized to continue its work until December 31, 2006, at which time it must report its findings and recommendations to the Legislature.

The entire act expires on January 31, 2007.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The Task Force was originally formed in 2004, we had a difficult job this past year at looking at all the details behind background checks. The topic of background checks has an impact on numerous people such as children and vulnerable adults. The Task Force was mindful about protecting privacy while also protecting the citizens of this state from unnecessary risks. The Task Force has been working diligently on this issue for the last two years and has gone through a number of tasks but has several more to accomplish.

The Task Force should be expanded to include two additional members which would include a representative from the defense bar and the Judicial Information System Data Committee.

**Testimony Against:** None.

**Persons Testifying:** Representative Dickerson, prime sponsor; Chief Scott Smith, Mount Lake Terrace Police Department; Mary Neff, Washington State Patrol; and Sarah Yatsko, Washington Defenders Association and Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.